

Arcadio S. Acuna # C-43165  
Pelican Bay State Prison  
P.O. Box 7500 JFC 10-124  
Crescent City, CA 95532

In Pro Per

FILED  
08 JUL 1998

08 JUL -9 PM 3:57

In the United States District Court  
For the Northern District of California  
San Francisco Division

Arcadio S. Acuña,  
plaintiff,

N. 2-07-5423 VRW

Lea Ann Chroner, et. al.,  
Defendant;

## Application for Appointment of Counsel

This motion is based upon plaintiff's affidavit in support of his motion to proceed in Forma Pauperis.

(1)

and this application for appointment of counsel.

Furthermore, while plaintiff understands he does not have a constitutional right to have counsel appointed, federal judges have the discretion to assign counsel to represent indigent prisoner plaintiffs.

By this motion I declare that I have a limited understanding of the law, legal theories, and court procedures and am struggling to comprehend and answer Defendants Motion to Dismiss the Complaint as it contains complex issues of law and legal theories. Plaintiff asserts that under the circumstances of this case due process requires the appointment of counsel.

Moreover, the court may appoint counsel if it finds the interest of justice so require. And, in deciding whether to assign counsel to a case the court will evaluate the likelihood of success on the merits as well as the applicant's ability to articulate his claims in light of the complexity of the legal issue involved. As such, plaintiff respectfully pleads appointment of counsel is necessary in this case.

Date: June 29, 2008 Respectfully submitted,

Arcadio S. Acuna

Arcadio S. Acuna, plaintiff  
In Pro Per

(2)

Proof of Service By Mail

I, Arcadio S. Acuna, declare:

I am over 18 years of age, and a party to the attached cause of action, that I reside in Crescent City in the County of Del Norte, California. My mailing address is;

P.O. Box 75001 FC-10-124, Crescent City, CA 95532.

On June 29, 2008, I delivered to prison officials for mailing at the above address, the attached Application for Appointment of Counsel, in a sealed envelope to:

Charles J. Antonew  
Deputy Attorney General  
455 Golden Gate Avenue, Ste. 11000  
San Francisco, CA

94102-7004

I declare under penalty of perjury that the foregoing is true and correct and was executed on this 29th day of June, 2008, in Crescent City, California.

Arcadio S. Acuna

Arcadio S. Acuna, Declarant  
In Pro Per